
By: **Delegates Owings and O'Donnell**
Introduced and read first time: January 27, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Restitution - Sexual Assault Expenses**

3 FOR the purpose of authorizing a court to enter a judgment of restitution that orders
4 a certain criminal defendant to make restitution in addition to any other penalty
5 for the commission of a sexual assault if a victim, governmental unit, or private
6 provider, including a hospital or clinic, incurred certain expenses.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Procedure
9 Section 11-603(a)
10 Annotated Code of Maryland
11 (2001 Volume and 2002 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Criminal Procedure**

15 11-603.

16 (a) A court may enter a judgment of restitution that orders a defendant or
17 child respondent to make restitution in addition to any other penalty for the
18 commission of a crime or delinquent act, if:

19 (1) as a direct result of the crime or delinquent act, property of the victim
20 was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value
21 substantially decreased;

22 (2) as a direct result of the crime or delinquent act, the victim suffered:

23 (i) actual medical, dental, hospital, counseling, funeral, or burial
24 expenses;

25 (ii) any other direct out-of-pocket loss; or

26 (iii) loss of earnings;

1 (3) the victim incurred medical expenses that were paid by the
2 Department of Health and Mental Hygiene or any other governmental unit;

3 (4) a governmental unit incurred expenses in removing, towing,
4 transporting, preserving, storing, selling, or destroying an abandoned vehicle as
5 defined in § 25-201 of the Transportation Article;

6 (5) the Criminal Injuries Compensation Board paid benefits to a victim;
7 [or]

8 (6) the Department of Health and Mental Hygiene or other
9 governmental unit paid expenses incurred under Subtitle 2, Part II of this title; OR

10 (7) IN A SEXUAL ASSAULT CASE, A VICTIM, GOVERNMENTAL UNIT, OR
11 PRIVATE PROVIDER, INCLUDING A HOSPITAL OR CLINIC, INCURRED EXPENSES FOR A
12 MEDICAL EXAMINATION OR TESTIMONY BY A SEXUAL ASSAULT FORENSIC
13 EXAMINER NURSE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2003.